

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

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DOUGLAS J. HORN and CINDY
HARP-HORN,

Plaintiffs,

vs.

No. 1:15-cv-00701-G

MEDICAL MARIJUANA, INC.,
DIXIE ELIXIRS AND EDIBLES,
RED DICE HOLDINGS, LLC,
and DIXIE BOTANICALS,

Defendants.

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DEPOSITION OF EXPERT

KENNETH D. GRAHAM, Ph.D.

New York, New York

December 1, 2017

10:05 a.m.

Reported by:
THERESA TRAMONDO, AOS, CLR
JOB NO. 52834

December 1, 2017

10:05 a.m.

Deposition of EXPERT

KENNETH D. GRAHAM, Ph.D., held at the
offices of Messner Reeves, 805 Third
Avenue, New York, New York, pursuant to
Agreement, before Theresa Tramondo,
AOS, CLR, a Notary Public of the State
of New York.

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Graham

Q. Did you compare the 2017 statute to the 2012 statute?

A. No, I didn't.

Q. Did you look at any legislative history or changes or modifications to the statute between 2012 and 2017?

A. No, I didn't.

Q. So it is fair to say -- I'm not trying to be difficult over here -- when it comes to the interpretation of the law, that is not your professional discipline; isn't that correct?

A. Correct.

Q. So is it also fair to say that you're not qualified to opine on how a law should be interpreted; is that correct?

A. I can relate a scientific principle to the way the statute is stated.

Q. When the statute is given to you?

A. Yes.

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Graham

Q. And when the statute is interpreted for you; is that correct?

A. Well, I can interpret that for myself without all of the bells and whistles that you just went to.

Q. Who gave you the statute to look at?

A. I looked it up.

Q. That was the 2017 one?

A. Correct.

Q. And you looked at the 2017 statute without any reference to what the statute said in 2012; is that correct?

A. Correct.

Q. When you looked at the 2017 statute, you didn't look at any of the legislative history regarding the 2017 statute; is that correct?

A. Correct.

Q. When you looked at the 2017 statute, you didn't look at any decisional law that may have been used to interpret that statute; is that correct?

A. Correct.

C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, THERESA TRAMONDO, a Notary
Public within and for the State of New
York, do hereby certify:

That Kenneth D. Graham, Ph.D.,
the witness whose deposition is
hereinbefore set forth, was duly sworn
by me and that such deposition is a
true record of the testimony given by
the witness.

I further certify that I am
not related to any of the parties to
this action by blood or marriage, and
that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 3rd day of
December, 2017.

A handwritten signature in black ink, reading "Theresa Tramondo", written over a horizontal line.

THERESA TRAMONDO